IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 14529 of 2004

Between:

M. Anjaiah, S/o Sangaiah, R/o Neeeradigunta Village, Andole Mandal, Medak District.

..... PETITIONER

AND

1 Joint Collector, Medak District, at Sanga Reddy.
2 The Revenue Divisional Officer, Medak.
3 The Mandal Revenue Officer, Andole Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the action of the first respondent in not granting stay in the appeal filed by the petitioner as illegal and arbitrary and to consequently direct the Respondents to keep the order dt. 28-6-2004 in Proc.No. J/351/2004 on the file of the 2nd respondent in abeyance, till the disposal of appeal filed by the petitioner before the first respondent; Award costs.

Counsel for the Petitioner: MR.N.SRIDHAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

The petitioner is an authorised dealer in respect of the Fair Price Shop of Neeradigunta village, Andole Mandal, Medak District. His authorisation was cancelled by the Revenue Divisional Officer, Medak, by proceedings dated 28.06.2004 after considering the explanation offered by him to the allegations made in the show-cause notice dated 16.02.2004. The petitioner states that the order of cancellation was served on him on 04.07.2004 and thereafter he preferred an appeal before the first respondent-Joint Collector on 10.08.2004 along with an application for stay. The grievance of the petitioner is that the first respondent failed to consider his appeal and no orders have been passed so far even on his application for stay and in the meanwhile, he is prevented from distributing the essential commodities to the cardholders.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The learned counsel for the petitioner vehemently contends that all the allegations made against the petitioner are false and baseless and the order of the Revenue Divisional Officer, dated 28.06.2004 cancelling the petitioner's authorisation is arbitrary and illegal and cannot be sustained. Since the correctness of the order of cancellation is the subject matter of the appeal pending before the Joint Collector, I am not inclined to express any opinion on the merits of the case. Having availed the alternative remedy of appeal, it is for the petitioner to pursue the same and no relief as prayed for can be granted while exercising the jurisdiction under Article 226 of the

Constitution of India. However, keeping in view the plea of the petitioner that no orders have been passed by the first respondent even on his application for stay, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the application filed by the petitioner seeking stay of the order of cancellation and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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17.08.2004

Note: Furnish CC in two days

(b/o)

VGB

To

1 Joint Collector, Medak District, at Sanga Reddy.
2 The Revenue Divisional Officer, Medak.
3 The Mandal Revenue Officer, Andole Mandal, Medak District.

4 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)

5 2CD copies